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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/734,792 | 12/12/2000 | Corinne Saso | C6588(C) | 5173 |

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UNILEVER
PATENT DEPARTMENT
45 RIVER ROAD
EDGEWATER, NJ 07020

EXAMINER

BUI, LUAN KIM

| | |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3728

DATE MAILED: 02/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

N.K.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/734,792 | SASO ET AL. | |
| | Examiner | Art Unit | |
| | Luan K Bui | 3728 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 and 27-30 is/are pending in the application.
- 4a) Of the above claim(s) 14, 18, 29 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-17, 19-25, 27 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 13, 24 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 13, 24 and 25, the phrase "said corrugations" lacks proper antecedent basis.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 4, 6, 7, 10, 12, 13, 15-17, 22, 24, 25, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Limousin (4,586,312) in view of Lundquist et al. (4,720,410; hereinafter Lundquist'410). Limousin discloses a combination of two or more packages (10A-L) to form a unit and the unit is shrink wrapped in two or more films on opposite film sides of the unit. Limousin further discloses at least one line of perforation (21, 22) extending in at least one of the films at least along one of the film sides and a pair of gripping openings (Figure 1). Limousin also discloses the other claimed limitations except for at least one of the films being opaque and at least one of the films being clear. Lundquist'410 teaches a package (10) for holding articles (12) comprising a top sheet (22) is transparent sealed (26) to a bottom sheet (24)

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is opaque (column 4, lines 3-11). The bottom sheet is thicker than the top sheet (Figures 1-2). It would have been obvious to one having ordinary skill in the art in view of Lundquist'410 to modify the films of Limousin so the films comprises at least one of the films is clear to allow visual access to the packages and at least one of the films is opaque to prevent visual access to the packages.

5. Claims 2, 5, 8, 9, 11 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 1 and 2 above, and further in view of Tsuchiya et al. (5,067,612; hereinafter Tsuchiya'612). Limousin fails to show the openings being on opposite sides of the perforations in the film side. Tsuchiya'612 teaches in the embodiment of Figure 13 a package (50) at least a pair of perforations (14) with a notch opening (15) and a pair of openings (43) on opposite sides of the perforations. It would have been obvious to one having ordinary skill in the art in view of Tsuchiya'612 to modify the openings of Limousin so the openings are disposed on the opposite sides of the perforations to facilitate carrying.

6. Claims 20, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Limousin (4,586,312) in view of Tsuchiya et al. (5,067,612; hereinafter Tsuchiya'612). Limousin discloses a combination of two or more packages (10A-L) to form a unit and the unit is shrink wrapped in two or more films on opposite film sides of the unit. Limousin further discloses at least one line of perforation (21, 22) extending in at least one of the films at least along one of the film sides and a pair of gripping openings (Figure 1). Limousin also discloses the other claimed limitations except the openings being on opposite sides of the perforations in

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the film side. Tsuchiya'612 teaches in the embodiment of Figure 13 a package (50) at least a pair of perforations (14) with a notch opening (15) and a pair of openings (43) on opposite sides of the perforations. It would have been obvious to one having ordinary skill in the art in view of Tsuchiya'612 to modify the openings of Limousin so the openings are disposed on the opposite sides of the perforations to facilitate carrying.

Response to Arguments

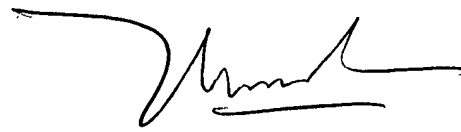
Applicant's arguments with respect to all pending claims have been considered but are deemed to be moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is (703) 305-5861. If in receiving this Office Action, it is apparent to Applicant that certain documents are missing from the record for example copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to TC 3700 Customer Service at (703) 306-5648.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148. Facsimile correspondence for this application should be sent to (703) 305-3580 or (703) 872-9302 for Formal papers and (703) 872-9303 for After Final communications.

lkb
February 12, 2003



Luan K. Bui
Primary Examiner